



## Exempt Action Proposed Regulation Agency Background Document

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) citation</b>	9VAC25-630
<b>Regulation title</b>	Virginia Pollution Abatement (VPA) Permit Regulation for Poultry Waste Management
<b>Action title</b>	Develop requirements that will address concerns regarding transfer and off-site management of poultry waste in the Commonwealth.
<b>Document preparation date</b>	3/18/2009

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The State Water Control Board is considering amending the existing Virginia Pollution Abatement (VPA) Permit Regulation for Poultry Waste Management in order to establish requirements for end-users of poultry waste to ensure that poultry waste is being used in a manner in which state waters are being protected and nutrients losses are being reduced and that these reductions can be measured. The proposed amendments include provisions regarding transferred off-site poultry waste used for land application by another entity other than the poultry grower. These provisions will establish end-user requirements such as: land application record keeping, poultry waste storage, land application timing and rates, land application buffer requirements. These provisions will also include the option of coverage under a general permit for a poultry waste end-user or poultry waste broker if non-compliance with the requirements of the proposed technical regulations found in 9VAC25-630-60, 9VAC25-630-70 and 9VAC25-630-80 is determined.

Concerns have been expressed by the public, legislature and executive branch that additional safeguards are necessary to ensure that poultry waste that leaves the site and control of the permitted confined poultry feeding operations for land application are managed, applied and stored in a manner that is protective of water quality.

Currently, the VPA General Permit Regulations for Poultry Waste Management (9VAC25-630-10 et seq.) require that poultry waste applied on lands owned by the permitted owner/operator of a confined poultry feeding

operation be done so in accordance with a nutrient management plan written by a planner certified by the Virginia Department of Conservation and Recreation (DCR). Permitted operations are inspected annually to ensure that poultry waste is stored, applied, and otherwise managed according to the regulations.

However under the current regulations, poultry waste that is transferred off-site is only required to be accompanied by waste analysis information and a fact sheet (developed by DEQ and DCR) that provides the recipient with general provisions regarding the storage, management and application of the poultry waste. The end-user must acknowledge receipt of the fact sheet by signing a separate "Poultry Waste Transfer Records" sheet. Maintenance of records, including the date and amount of the transfer, zip code of the location receiving the off-site poultry waste and nearest stream or waterbody, is the requirement of the owner/operator of the confined poultry feeding operation (or third-part broker if one was involved in the transaction). Records must be made available to DEQ personnel upon inspection of the confined poultry feeding operation. For off-site application of poultry waste, the present regulation does not require records of 1) the amount of waste received by a single farm, 2) whether or not the poultry waste will be applied in accordance with a nutrient management plan, 3) soil test levels on receiving fields, 4) timing of applications, or 5) a description of receiving crops.

## Public Participation

*Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal, the potential impacts of the regulation on the regulated community and the impacts of the regulation on farm or forest land preservation.*

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In addition to any other comments, the agency is seeking comments on the costs and benefits of the proposal, the potential impacts on the regulated community and on any impacts of the regulation on farm and forest land preservation. Also, the Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so at the public hearing or by mail, email or fax to **Betsy Bowles, P.O. Box 1105, Richmond, Virginia 23218, phone 804-698-4059, fax 804-698-4116 and [bkbowles@deq.virginia.gov](mailto:bkbowles@deq.virginia.gov)**. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: [www.townhall.virginia.gov](http://www.townhall.virginia.gov). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 5:00 p.m. on the date established as the close of the comment period.

A public hearing will be held and notice of the public hearing can be found on the Virginia Regulatory Town Hall web site and in the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

## Public comment

*Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.*

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Written comments were submitted by 121 citizens and organizations: 9 commenters were in support of the proposed regulatory action, 36 commenters were not in support of the regulatory action, 5 commenters submitted general comments on the NOIRA; and 71 commenters thought the proposed regulatory action would ban the land application of poultry litter and the amount moved off-site, for this reason they were against the proposed action. The comments are provided in the preceding pages.

Agency Response to NOIRA Comments: All of the comments received for the NOIRA were provided to the members of the Technical Advisory Committee for consideration during the draft regulation development process.

Comment	Commenter	Affiliation	Category
<p>Require nutrient management for all poultry litter users It has been more than eight years since passage of the Poultry Waste Management Act of 1999. And yet the waters of the state, especially the Shenandoah River and the Chesapeake Bay, continue to be polluted by nutrients, despite additional efforts such as funding for agricultural best management practices and sewage treatment plants under the Water Quality Improvement Fund and federal programs. Currently agricultural land comprises only 29% of the drainage basin of the Chesapeake Bay but it contributes 58% of the nitrogen and 82% of the phosphorous polluting the Bay, according to the Chesapeake Bay Program. While the Virginia Pollution Abatement program requires nutrient management when applying hog, sheep and cattle waste, regardless of who owns the land, in the case of poultry only the growers are required to have nutrient management plans when they apply on their land; other end users are asked to volunteer to be responsible. Most of the neighboring states have agricultural requirements that are more protective of state waters than those in Virginia. The poultry waste management law provides that the program may reflect "such other provisions as the Board determines appropriate for the protection of state waters." Va. Code 62.1-44.17:1.1. Now is the time for the Board to use that authority to establish rules to require nutrient management plans from the end users of poultry waste and thus afford additional protection to state waters. Even prior to the passage of the Poultry Waste Management Act of 1999, state officials have known from Virginia Tech studies that excess amounts of nitrogen and phosphorus have been applied on land throughout the Shenandoah Valley and that higher concentrations appear on farms that do not grow poultry. Studies by Dr. Shaw Yu at the University of Virginia also revealed that over 60% of groundwater wells in Rockingham County were contaminated by levels of nitrate high enough to contribute to blue baby syndrome. In recent years, while there has no study to link poultry waste to the fish kills in the Shenandoah River, something has gone terribly wrong in the that river, and a heretofore important sports fishery has been devastated. In addition, the Chesapeake Bay continues to suffer from phosphorous</p>	<p>Ms. Katherine Slaughter</p>	<p>Southern Environmental Law Center</p>	<p>Support</p>

Comment	Commenter	Affiliation	Category
<p>concentrations. While sewage treatment plants are undergoing upgrades to reduce their contribution, additional safeguards from agricultural users are also needed. Poultry litter contains high levels of phosphorous. While the Waste Management Law requires that poultry growers have a nutrient management plan, those who receive poultry litter from the growers and apply it to fertilize their land are not currently required to have a nutrient management plan. According to agency studies, more than 80% of all poultry litter is transported off site for land application with the Shenandoah Valley being the prime region for this type of transfer. Moreover, Virginia Tech's three-year program of soil testing finds high concentrations of phosphorous in samples. Currently, a poultry litter fact sheet is distributed to end users, but this informational and voluntary approach is insufficient to ensure that less phosphorous is applied. Because of the high cost of nitrogen fertilizers, it is more economical for off-site users to use poultry litter. While crops will benefit from nitrogen fertilization, the excess phosphorous is not taken up by plants but concentrates in soils and thus leads to increased phosphorous in leachate and surface runoff. DEQ should promulgate a rule requiring all users - growers and non-growers - to use a nutrient management plan that will capture phosphorous. It should more closely track the requirements under the Virginia Pollution Abatement statute for hog, dairy and sheep facilities.</p>			
<p>I am writing to express the interest of the James River Association in the above mentioned regulatory action. We respectfully request an opportunity to provide input and comment as the regulations are developed and would welcome the opportunity to have a representative on a Technical Advisory Committee should one be formed for the associated regulations. The James River watershed is located adjacent to the Shenandoah Valley, which has a large concentration of poultry operations and which many studies have found has excess poultry litter beyond the Valley's crop needs. As a result of increased effort to transport excess manure, substantial amounts of poultry litter have been transported into the James River watershed in recent years for application to cropland and pasture, particularly in the upper</p>	<p>Mr. William Street</p>	<p>James River Association</p>	<p>Support</p>

Comment	Commenter	Affiliation	Category
<p>watersheds such as the Upper James River and the Cowpasture River. Transporting excess manure can provide environmental benefits for the Shenandoah River and downstream reaches of the Potomac River and Chesapeake Bay. However, it poses environmental risks for the receiving areas and rivers, such as the James River and its tributaries, under certain circumstances, particularly if it is not handled, stored and applied properly. In the Spring of 2007, significant fish kills and ailments occurred in the Cowpasture River and Upper James River, areas which were widely considered of high ecological quality. Although a specific cause to the fish kills and ailments has yet to be determined, their occurrence demonstrates the vulnerability of these river systems despite their relative high quality. Pollutants associated with poultry litter are one of the possible causes of the fish kills and ailments being investigated by scientists and managers. As the Commonwealth of Virginia considers new regulations for poultry litter applications, specifically for off-site applications, it must ensure that the litter transport and applications do not degrade water quality or cause environmental harm to the receiving aquatic ecosystems. The James River Association stands ready to work with the Commonwealth to develop regulations that will protect the James River and its tributaries from any adverse impacts of poultry litter applications.</p>			
<p>Section I of Article XI of Virginia's Constitution reads that "it shall be the Commonwealth's policy to protect its atmosphere, lands, and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth." Nearly a decade ago, The Commonwealth's House Bill 1207 and its subsequent regulations were an important first step in addressing the pollution problems associated with decades of over-application of poultry waste on agricultural lands. Shenandoah Riverkeeper contends that these problems are thoroughly documented, and have been the subject of intense scientific study and scrutiny for more than a decade. We also contend that the current regulations are not protective of our land and our state waters and that the proposed changes in the regulation are imperative if we are to begin to</p>	Mr. Jeff Kelble	Shenandoah Riverkeeper	Support

Comment	Commenter	Affiliation	Category
<p>turn around the over-nutrication problems in the Shenandoah Valley and in the Chesapeake Watershed. The Shenandoah Riverkeeper's mission is to "Use citizen action and enforcement to protect and restore water quality in the Shenandoah Valley for people, fish and aquatic life". Shenandoah Riverkeeper, along with Potomac Riverkeeper (Shenandoah Riverkeeper operates under 501(c)(3) Potomac Riverkeeper Inc) have over 1100 paid members comprised of landowners, canoers, paddlers and fishermen who join our organization so that their voices and concerns can be heard through our actions. Shenandoah Riverkeeper's members are affected extensively by the waste disposal practices of poultry growers and by "off-site farms" which receive and use litter for soil nutrient amendment, and it is for that reason that I am commenting on this NOIRA. Shenandoah Riverkeeper believes that the land over-application of poultry litter in the Shenandoah Valley is its single greatest issue, and the single largest source of phosphorous leading to eutrophication, poor water chemistry and possibly fish health problems faced by our river. In framing this debate, it's important to recognize that the industry's entire supply of animal feed (2 billion pounds annually) is imported by rail from the mid-west, and as long as the waste is kept here through application on agricultural land in the Shenandoah Valley - we are inclined to have nutrient excess. The Mid-Atlantic Regional Water Program reports that manure phosphorus production in the region exceeded regional crop phosphorus uptake by over 4,000 tons, annually in Rockingham County and over 1,300 and 1,200 tons, annually in August and Page Counties, respectively. The very core of the issue is not irresponsible farmers, or intentional or accidental litter over-application. Rather, the core of the problem is that poultry litter is an imbalanced fertilizer which contains several times more phosphorous than crops use when applied at a rate needed to meet nitrogen needs. Litter in the Valley has proven to be more economical than commercial fertilizer in meeting nitrogen needs due to it's abundance and low cost. Recent rises in the cost of commercial nitrogen has only reinforced the economics. Scientific soil studies as well as farmer's own VPA permit submissions show without a doubt</p>			

Comment	Commenter	Affiliation	Category
<p>that farmers have and will continue to apply poultry litter to their fields in the tonnage required to meet nitrogen needs, thereby over-applying phosphorous several times, unless regulation provides guidance otherwise. I personally reviewed of over 100 Virginia Pollution Abatement Permit Files, at random, for poultry farms ranging in scale from 20,000 to over 545,000 birds on site during the summer of 2007. Almost without exception the history of the files I reviewed painted the picture how over-application occurs. The files showed that without exception, litter has been used at tonnage per acre to meet nitrogen requirements, without regard to the chronic accumulation of phosphorous, and also without regard to compounding environmental factors such as steeply sloped fields and proximity to streams most of which completely lack streamside buffers. Prior to regulation, there is no documentation of poultry litter application rates. However, over-application had clearly been the practice as the files clearly show that phosphorous levels in these soils generally rated "Very High". I encountered a surprising number of farms where soil tests showed phosphorous levels between 2 and 4 times the amount required to be rated Very High. Some soils appeared to exceed the testing capability of the lab (999 pounds per acre), or at least were higher than contemplated by the designers of the test. Discussion with agency staff indicate that some of these soils have such an excess of phosphorous, that crops could literally be grown for 50 years without the need to add P. Upon promulgation of regulations limiting application rates to crop nitrogen uptake, farmers reduced rates to fall within the cap. Even under the nitrogen limitation, application rates of around 2-4 tons per acre were standard. This continued annual application of litter exacerbated an already decades old problem of high soil phosphorous. This occurred despite DEQ inspectors efforts to educate and influence farmers to curb litter application in favor of more accurate commercial nutrients. This was a common comment in inspection reports: "Note that with continued high levels of manure and litter applications P levels in the soil are extremely high. While continued use of manure and litter can be done in order to meet N needs, thought should be given to selling more litter or</p>			

Comment	Commenter	Affiliation	Category
<p>manure and applying commercial N". I make these comments only to demonstrate that, when given the liberty, farmers have and will apply litter at rates that meet crop nitrogen needs without regard to soil phosphorus excess. It was not until the regulations required phosphorus-based nutrient management plans that poultry litter application rates were reduced to levels appropriate for crop agronomic needs. After phosphorus-based nutrient management plan implementation was mandatory, the great majority of poultry farms began to export litter to neighboring farms and to neighboring valleys. The VPA files show that regulations were required to first control nitrogen inputs, and then to control phosphorous inputs, before poultry litter application rates were reduced to levels that are protective of water quality. The file room work confirmed what was known: regulation from House Bill 1207 created a need for litter to be exported to "off-site" from poultry farms. It is estimated that 80-90% of litter produced by poultry farms in the Shenandoah Valley is being transported off site, and outside of any regulatory guidance. Further, DEQ records indicate that of the 350,000 tons of poultry litter moved off poultry farms in 2004, approximately 75% remained in the Shenandoah Valley. It is Shenandoah Riverkeeper's position that this litter is again being applied for nitrogen needs. It is also our position that our "off-site" farms are well on the way (or all the way) to re-creating the same nutrient soil imbalances that our poultry farmers have created. Discussions with officials at the regulatory agencies confirm my concerns. Evidently, Inspectors commonly hear the complaint from farmers that they are being regulated and unfairly required to limit land application of litter, and required to spend time and money safely handing and storing litter, while "off-site" farms do not. It is implied over and over again that "off-site" farms are using the same problematic practices that poultry farmers used for decades. I also base my position on discussions with farmers. During one poignant discussion with a farmer in the Linville Creek watershed, he said "Since the test (soil P testing requirement) I haven't been able to use my litter on my fields for years, so I have to give it to my neighbor who uses it all up every year". As long as the economics between litter and commercial</p>			

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<p>fertilizer strongly favor the over-application of phosphorous from litter, we simply cannot rely on the hope that litter use will be done in a way that protects water quality. There is ample evidence from research conducted in Virginia and around the U.S. that high soil phosphorus levels and poultry litter application result in increased phosphorus concentrations in surface runoff. Numerous researchers have documented that phosphorus losses in runoff are highly correlated to soil phosphorus concentrations (Sims et al., 2002; Maguire and Sims, 2001; Pote et al., 1996). In the Shenandoah Valley Mullins (2001) studied the relationship between soil phosphorus and the concentration of phosphorus in surface runoff from soils with a history of poultry litter and/or dairy manure applications and reported that runoff phosphorus concentrations increased with increasing soil phosphorus levels. Mullins (2003) also studied the relationship between phosphorus in surface runoff from grazed pastures as affected by fertilizer application (inorganic and broiler litter) and concluded that "relating soil phosphorus to phosphorus released in surface runoff was significant with all soil phosphorus levels observed in this study." Penn et al. (2004) evaluated surface runoff from Virginia soils amended with turkey litter and concluded that at higher manure application rates dissolved phosphorus in manure as well as litter particles in runoff contributed to the overall runoff P concentration. They concluded that the management of manure was influential in protecting water quality. Macguire et al. (2005) also concluded that the total amount of phosphorus in runoff was likely due to several factors, including soil phosphorus levels and manure application rate. Research in Virginia is also supported by research elsewhere in the U.S. For example, DeLaune et al. (2004) measured surface runoff from Arkansas pastures fertilized with poultry litter and found that before poultry litter application, soil phosphorus was directly related to dissolved phosphorus concentrations in runoff, but after manure was applied, the impact of phosphorus application rate overwhelmed the effect of soil phosphorus in surface runoff phosphorus concentrations. Even after three rainfalls, application rate still contributed more to phosphorus in surface runoff than did soil phosphorus levels. To date, in the</p>			

Comment	Commenter	Affiliation	Category
<p>Shenandoah Valley, where much of the Commonwealth's animal agriculture operations (including turkey, chicken and dairy) are located, there are 6 tributaries in the Rockingham County area with total maximum daily loads (TMDLs) for P due to documented P water quality and habitat impairments (Muddy Creek, Cooks Creek, Blacks Run, Pleasant Run, Mill Creek and Holmans Creek). Given the clearly proven link between soil phosphorus and poultry litter application rates with phosphorus in surface runoff, the regions documented excess poultry litter, and given that DEQ documentation indicates that most the poultry litter exported off VPA farms was land applied in the Shenandoah River watershed, it is no surprise that many of the Shenandoah's tributaries are impaired. Keeping up with Commitments Maryland, Pennsylvania and Delaware have all passed legislation requiring that farmers create and follow nutrient management plans on their farms when using animal waste. In Maryland and Delaware, almost all farms are required to implement nutrient management plans, regardless of fertilizer source. Pennsylvania requires that all manure and litter produced by permitted facilities be land applied according to a nutrient management plan, whether the application occurs on or off the permitted facility. Virginia has committed to share the responsibility of cleaning up the Chesapeake Bay watershed and it seems we have fallen behind in these commitments by neglecting to address a critical component of bay and river cleanup with regards to the prolific poultry industry. It is important that regulation not be overly burdensome, yet evidence shows the poultry industry continues to thrive under nutrient management regulations in Virginia's neighboring states. The Commonwealth and its taxpayers are spending billions of dollars to upgrade and operate its sewage treatment facilities. Industrial businesses are currently scrambling to meet strict 2011 tributary strategies nutrient caps on their point sources. Regulations controlling stormwater pollution from construction sites, cities and industrial properties have incrementally tightened causing hundreds of millions of dollars to be spent by industry and government in order to meet requirements. And though agricultural nutrient management may be the most economical method available to reduce</p>			

Comment	Commenter	Affiliation	Category
<p>nutrient pollution, The Commonwealth has only gone part of the way. The Water Control Board's approval of the proposed "off-site" poultry litter regulation is a step vital to the Commonwealth upholding it's constitutional duty to protect it's land and water for the benefit and welfare of its people. Shenandoah Riverkeeper requests the opportunity to be included on the Technical Advisory Committee. We look forward to working with the Commonwealth and with other stakeholders in producing a regulation that protects water quality.</p>			
<p>We strongly support State Water Control Board action to set requirements for end-users of poultry waste to ensure that poultry waste is being used in a manner in which state waters are protected and nutrient runoff is eliminated. Under the current regulatory scheme, 80% of poultry waste is disposed of without any enforceable requirements on when and how it is land applied. Poultry waste applied to land can quickly turn into runoff to the stream and rivers of the area and poultry waste contains a number of chemicals, including phosphates and nitrates, which are known to damage the water quality of streams, rivers and ultimately the Chesapeake Bay. It is imperative that the state regulatory scheme be improved. We recognized that a number of voluntary initiatives to reduce poultry waste adverse impacts are being started but they are no substitute for a comprehensive regulatory program. In addition, we understand that the current Virginia regulatory program is much weaker than those of Delaware and Maryland and their efforts to protect the Chesapeake Bay must be matched or exceeded by Virginia. The State Water Control Board has the authority to regulate poultry waste users and the state must exercise that authority as expeditiously as possible. As we understand, the state intends to develop a program of requirements for waste application, mandatory recordkeeping and reporting for users over a certain threshold. This can be an important first step. However, as quickly as possible, we ask that the state precede with a formal permitting program for all poultry waste users in the state. Because the Shenandoah Valley is the home of most of the poultry production in the State and has highly concentrated poultry waste activities, this regulatory action</p>	<p>Mr. John Holmes</p>	<p>Friends of the North Fork of the Shenandoah River</p>	<p>Support</p>

Comment	Commenter	Affiliation	Category
<p>is of particular concern to our organization. Our concern is reflected in the high nutrient levels we find through our water quality monitoring program. There are extensive algae blooms that come from those nutrient levels. In addition, the ongoing fish kills in the Shenandoah River remain unexplained but are likely related to pollution levels in the river. We are very interested in participating in this regulatory process going forward. Please let us know how we may have greater involvement and keep us informed of your actions.</p>			
<p>CBF's position remains that it is appropriate for DEQ to require that poultry litter transported from VPA facilities be land applied according to certified nutrient management plan recommendations or according to guidelines presented to the task force that base application rates on expected crop nutrient uptake and soil test results. It is also CBF's position that public funds are well spent supporting poultry litter end-users and poultry farmers in management poultry litter. Current programs such as the poultry litter hotline, the poultry transport program, the Virginia Tech poultry litter pyrolysis project, and the recent memorandum of understanding regarding the use of phytase in poultry diets, are important efforts that will greatly assist nutrient management planning efforts. We encourage DEQ and the Virginia Department of Conservation and Recreation (DCR) to continue fostering innovation in poultry litter management. Additionally, CBF strongly encourages DEQ and DCR to work in partnership with stakeholders to explore financial incentives for farmers that manage poultry litter appropriately. This is particularly important considering that many of Virginia's small farmers who have been relying on free or low-cost poultry litter as a source of nitrogen will have to use commercial nitrogen to avoid over-application of phosphorus. CBF requests the opportunity to participate on the Technical Advisory Committee.</p>	Ms. Kristen Hughes	Chesapeake Bay Foundation	Support
<p>I was very pleased to learn that the State Water Control Board and the Department of Environmental Quality are considering amending their regulations to require permits of anyone utilizing poultry litter as fertilizer. I think this is defiantly a step in the right direction towards limiting the damage being done to Virginia's rivers and streams. In</p>	Mr. Taylor Cole	Conservation Partners LLC	Support

Comment	Commenter	Affiliation	Category
<p>particular, it should stem the practice of over applying litter to ground that is already out of balance. I understand that many farms in the Shenandoah Valley are over saturated with nutrients including P, K, and N. I have recently seen the very sad state of the Shenandoah River and I am now very concerned about the Calfpasture which runs through my farm. Twice in the past year, I have reported significant increases in algae to the State Water Control Board. It would be a shame to loose this significant headwater river of the James and the Chesapeake. Perhaps improved regulations, if enforced, will help protect what we have left for future generations.</p>			
<p>At the very minimum, the land application of poultry litter should be subject to no less strict regulations than those that apply to the land application of municipal sewage sludge. These two sources of "free fertilizer" are very similar in their behavior with respect to nutrient (nitrogen and phosphorus) release when amended to soils and in order to protect water quality there is no reason that less strict regulations should apply to poultry litter. Poultry litter typically contains at least twice as much phosphorus as sewage sludge, and so phosphorus application rates must be reduced for poultry litter. That said, imposing sludge-like regulations (instead of allowing unregulated application of approximately 80% of the poultry waste currently land-applied in Virginia, according to Russ Perkinson of DCR, 01/31/07) will not measurably improve water quality unless land application is limited by the "Soil Test P" method. Even if all poultry litter is applied according to Nutrient Management Plans similar to those imposed on municipal sewage sludge, 10 million pounds of nitrogen will still be disposed on Virginia soils annually to NO BENEFIT OF CROPS. I have pointed this out to state officials repeatedly, for example in my letters of 02/13/07 to Sec. Bryant and Directors Paylor and Maroon, and in my article in the December 2006 Bay Journal, pp. 22-23, available on-line at <a href="http://www.BayJournal.org">www.BayJournal.org</a> and presented in person to Sec. Bryant and the "Expert Panel" convened to study sewage sludge. The present NOIRA is replete with statements that any changes in the current unregulated procedures must address"... potential effects of marketing and utilization of this valuable</p>	Dr. Lynton Land		Support

Comment	Commenter	Affiliation	Category
<p>source of organic nutrients ...." and that "... less intrusive or costly alternative methods of achieving the purpose of the regulation" should be elucidated. The State even facilitates "... the marketing of the poultry waste in the Commonwealth." Land application is the simplest and cheapest way to dispose of an unwanted product, to the detriment of water quality in Chesapeake Bay. The emphasis in the NOIRA is on the bottom-line for farmers and poultry growers and nowhere is there any evidence that the State has any real concern for the majority of citizens of Virginia who want improved water quality in Chesapeake Bay. Any realistic cost-analysis must include the economic costs of the nutrient pollution of Chesapeake Bay caused by the use of such efficient forms of fertilizer. The cost of regulation to farmers or the poultry industry is easy to document, as was done for sewage sludge in JLARC Report No. 89, "Review of Land Application of Biosolids in Virginia," and as I summarized in an article in the May 2007 Bay Journal. But the cost to the public of unsatisfactory water quality in Chesapeake Bay, as it affects property values, recreational and commercial fishing, etc. is not addressed by the State. The annual value of the Bay to the US economy has been estimated to be as high as \$1 Trillion, and it is obvious that, irrespective of whose numbers are accepted, the poultry industry is of trivial economic value to Virginia compared to the value of a healthy Bay. If the State truly wants to improve water quality in Chesapeake Bay and promote measurable improvements in water quality, rather than continue to benefit minority "stakeholders" (the agricultural community and poultry growers) then the solution is not merely to impose restrictions similar to those applied to sewage sludge, but to ban the process of land application altogether. I request that all previous letters as well as the two articles in the Bay Journal cited in this public comment be entered into the public record. They are all posted at <a href="http://www.VaBayBlues.org">www.VaBayBlues.org</a>. This letter will also be posted at <a href="http://www.VaBayBlues.org">www.VaBayBlues.org</a> along with any formal written reply that may be received.</p>			
<p>This is in reference to VPA permit for poultry management 9 VAC 25-630. I can go along with soil samples and nutrient management plans. I cannot see why I would need a permit</p>	Mr. Charles Fretwell		Support

Comment	Commenter	Affiliation	Category
when my nutrient management plan spells out how much and when I can apply litter.			
<p>I would like to see the regulations to require permits of air fertilizer.</p> <p>As the Farm Bureau (Augusta County) reads: Soil sample nutrients, presented at purchase; nutrient management plan site, the timing of application, and the storage procedures anyone utilizing more than 10 tons of litter. (I would like unlimited if used for feed)</p> <p>I would like for this to include the poultry farmer with just the rules. Our neighbor who has one house spreads his litter his fields without any treatment of litter or going through. This puts all bacteria out on land for the birds to spread. This farmer has no storage building.</p> <p>This past summer we lost a steer from Type A Blackleg v There was also some kind of stuff spread with a honey w Deere tractor the day after Mothers Day on Monday. It st When the smell staved throughout summer and into fall. v what was spread. They say they didn't do that. Shortly a were lots of dead birds. They would just fall out of the sk their little legs moving and their head turning from side to</p> <p>There has been three people that has had pneumonia inclu granddaughter. My neighbor has mv-co Bateria Avium C prescriptions since May. She has had to get a special doc</p> <p>Thank you for addressing this BIG PROBLEM.</p>	Mr. & Mrs. Lynwood & Dull		Support
I'm writing to let you know that I am eager to participate on the Technical Advisory Committee that will tackle the difficult issue of end-user regulation of poultry litter. I hope you have been receiving constructive comments on the NOIRA.	Ms. Becky Barlow	Shenandoah RC&D	General comments
The proposed regulation changes cause me concern. I am a life long farmer on a VA Century Farm with young adult children interested in continuing the farming operation. We are very interested in maintaining and improving the environmental quality where our family lives. We have utilized poultry litter for many years as a cost effective and environmentally friendly source of soil nutrients (and disposal of what some consider a waste product). We like the slow release Nitrogen characteristics of natural manure fertilizer. Our use of poultry litter as fertilizer is an economically viable use for our farm and avoids the need for growers to dispose of litter as an environmental waste. The proposed regulations will increase the cost of using litter. We previously had a Nutrient Management Plan that has become outdated. The DCR did	Mr. Mac Swortzel		General comments

Comment	Commenter	Affiliation	Category
<p>not have the time to update our plan since we are not required to have one. Will you provide additional technicians and funding to write the plans? Or will I have to hire an independent contractor to write one. If so, we will probably discontinue utilizing litter. Current increases in fuel and fertilizer costs make it even more important to keep available the option of using litter as fertilizer, however with increased regulatory burden placed on the end user, and increased transportation costs to move litter out of major poultry growing areas, litter will become an economically non viable alternative. Will you provide funding to transport litter out of the major poultry growing areas to minimize the environmental problems?</p>			
<p>I hope that you [DEQ] will consider all the best options for the farmer on this matter. I have used litter on my farm for many years and have noticed very little runoff. Consider this matter from the farmers shoes and do the right thing for the future of the dwindling VA farmer.</p>	Mr. E. E. Absher		General comments
<p>I am a user of turkey litter for fertilizer. I have it hauled and spread every other year. Application is 2 tons per acre. Personally I do not feel I abuse the litter. However, I would have no problem with soil sample being required. My concern would be that normally when I want litter I cannot get it. Sometimes it stretches out months even as much as a year before it is delivered. The permit would need to allow for the time issue.</p>	Mr. Lewis Shuey		General comments
<p>I am fortunate if I am able to attain turkey litter once every year on one of my farms. I have two farms and am usually able to get litter for about 50 acres on another farm. But never the same year. I do not think that a permit would be needed for most people. Can't the suppliers regulate who is getting too much. It is brought and spread, but never stored on my farm.</p>	Mr. Russell Myers		General comments
<p>I am opposed to any legislation that regulates the end users of poultry fertilizer. I have used poultry litter for 30 years off and on. I alternate my fields so I don't use it on the same fields each year.</p>	Mr. J. H. Marshall		Do not support
<p>I received your e-mail and you asked me to send you something in writing on the matter of requiring permits on using poultry litter. After I spoke to you the other day, you could not give me any information or proof that poultry litter was doing any damage to the soil or water. You are asking for input on this matter, and as</p>	Mr. William Halterman		Do not support

Comment	Commenter	Affiliation	Category
<p>far as I am concerned, I cannot give you input until there is more proof that the litter is doing damage to soil or water. I do not feel that I can comment on this, only to say that this bill is not needed and the only thing that I can say is that taxpayer's money is being wasted trying to make this bill that we do not need or that anyone has any way to enforce, even if it is passed.</p>			
<p>We own and operate a family farm in Amelia, Virginia. We can almost trace our family farm for 100 years but not quite, we have operated it for almost 35 years and for most of that time contracted poultry, five broilers houses, along with a commercial cow calf operation. We were one of the first in our area to have a nutrient management plan, before it was required and a litter storage facility. We believe in being the best possible stewards of the land. Both of our sons have made their homes on the farm and one is a partner. Along with our sons and their families include 4 grandchildren. But the increasing regulations have almost regulated us out of business. As it is we cannot land apply litter on our own farm - thus our hay and pasture were poor this year - if we had been able to apply litter even in a drought such as this year we would have had some hay and pasture. By regulating the end user you will put us out of business, as they will not take the time to go through the process. We already finish a list of their names, addresses and water sheds. We furnish the end users fact sheets, analysis and they sign in receipt. This is unfair treatment - this is not required of a home owner who goes to a lawn and garden store and buys and applies as much commercial fertilizer for his/her yard as they wish. We oppose the further regulation of poultry litter. We oppose Virginia Pollution Abatement (VPA) Permit Regulation for Poultry Waste Management 9 VAC 25-630.</p>	Mrs. Jacki Easter	Easter Poultry Farm	Do not support
<p>As a poultry producer, I'm concerned about proposed regulations concerning litter being spread as fertilizer. I feel anyone with a soil sample less than 3 years old (which is accepted under my nutrient management plan) should be allowed to apply litter. Any regulation that would deter the movement of litter from counties where it's produced to open farmland in need of litter for fertilizer could actually increase the potential for pollution in the area where it's produced.</p>	Mr. Rick Shiflet		Do not support

Comment	Commenter	Affiliation	Category
<p>There seems to be low to no evidence of abuse if you look at the stewardship act and actual DEQ case loads working with producers. I'm definitely not in favor of any regulations requiring permits or nutrient management plans for people utilizing poultry litter as fertilizer.</p>			
<p>We oppose this proposed regulation! My son and I operate an Angus cow-calf herd plus hay production on our 365 acre farm within the Little Nottoway Water Shed area of Nottoway County. We utilize many of the BMP's in our operation including fencing off our ponds and several streams plus regular soil tests and updated nutrient management plan. We strive to be good stewards of our land and water. We live in an area that is considered a poultry growing area (broilers and layers) with a Tyson hatchery and feed mill located in our county. We are opposed to any further permitting or regulations that would imposed unnecessary 'paper work'.</p>	<p>Mr. Lewis Williamson, Jr.</p>	<p>LongBranch Farm</p>	<p>Do not support</p>
<p>I am a partner on a small dairy farm here in Nottoway County. My brother and I live in an area that is considered a poultry growing area with a Tyson hatchery and feed mill on the north side of our County. We are opposed to any further permitting, regulation or otherwise abuse of any statute authority by the Commonwealth and its agencies. Further regulation may inhibit the timely removal of current poultry producers' ability to move or remove excess amounts of litter to another customer's site. This will cause great concern for existing producers who lack long term storage capabilities as is required by current Nutrient Management plans. Further regulation may lead to other restrictions on similar animal waste such as dairy, horse and swine including commercial fertilizer. These new proposed regulations are both unwarranted and unjustified at this time. There is no basis either in current legislative initiatives to justify such a constriction of current practice. Having been a Soil and Water Conservation director that was around when the Agriculture Stewardship Act was discussed, it too, does not indicate a need for more unnecessary regulation. Any effort promulgated with the best of intentions often leads to counter productive efforts to the farm community as the case may be with these new proposals. Quite simply farmers that normally recycle litter or those considering for the first</p>	<p>Mr. Richard Rash</p>	<p>Spraggins Farm</p>	<p>Do not support</p>

Comment	Commenter	Affiliation	Category
<p>time may seek petroleum based products. The current high cost of fuel will prohibit excessive amounts of litter from being spread due to the bulkiness and transportation challenges it provides. Allowing supply and demand between litter, transportation and commercial fertilizer are safeguards enough. Current information required such as name and address, nutrient analysis and a guide to application are sufficient. The current requirements are not antiquated and by no means can justify that the Commonwealth is behind on its' water quality goals and objectives. DCR can provide documentation the NMP's are on the rise and within an individual NMP is a requirement for a soil test. Not every farm can justify a NMP nor do we have anywhere near enough plan writers available that could justify spending an inordinate amount of time for a "10 ton litter amount". Based on previous usage here on our farm that would equate to about a five (5) acre field. For your information that equates to about five (5) football fields or a minimum house lot here in Nottoway County. Can you really afford to invest in this minimal return on investment? I think not. One would not need to look far for homeowners with 5 acre yards and a number of recreation fields that are currently "unregulated" by the Commonwealth. In closing we are opposed to further regulation and would offer that there are enough water quality initiatives that are already underway that will rectify, mitigate and otherwise improve water quality once participation saturation reaches projected goals. Let current policies work and avoid unnecessary burdens for agriculture.</p>			
<p>On behalf of the 39,000 producer members of the Virginia Farm Bureau Federation I offer in opposition to further regulation poultry litter the following comments :There is little or no evidence that show end users of poultry litter are utilizing it in a manner that causes pollution. Neither Agriculture Stewardship complaints nor enforcement actions of DEQ demonstrate a water quality problem. Farmers don't waste things they pay for! The Poultry Litter Management Act does not apply to end users and to do so will strand litter on the farms that produce it. Requiring soil samples and nutrient management plans for the purchase of litter will make the poultry grower the "policeman" of litter and perhaps</p>	<p>Mr. Wilmer Stoneman</p>	<p>Virginia Farm Bureau Federation</p>	<p>Do not support</p>

Comment	Commenter	Affiliation	Category
<p>acceptance of liability for the actions of purchasers. Recent federal court decisions have stated that environmental agencies may only regulate actual pollution not potential pollution. Requiring this type of permit will regulate the potential for pollution. Litter once it leaves the farm of origin is fertilizer; nothing more. This regulation will establish a precedent for all fertilizer applications.</p>			
<p>The Council's 2008 State Policy contains the following statement: "The Council supports a voluntary, incentive based approach to regulate the use of poultry litter by end-users of poultry litter. Any regulation adopted must not restrict the use of poultry litter market in Virginia and must avoid undue burdens on agricultural producers and processors."</p> <p>Proposals to further regulate the use of poultry litter for end-users that may or may not apply to the application of other fertilizers could have negative impacts. These end-user regulations could potentially reduce the demand for poultry litter on poultry farms due to a decreased market demand as farmers face a regulatory burden to utilize. Litter that is stranded on poultry farms through application or removal may lead to other water quality and environmental concerns in addition to the negative economic impacts for poultry production.</p> <p>The Council supports continuing discussions to increase incentives for poultry litter brokers and applicators, and end-users to encourage more efficient litter management principles. Incentives rather than mandates may encourage quality improvements more efficiently through less staff requirements and more support from the agricultural industry for nutrient management.</p> <p>Finally, we have concerns regarding the legal authority to regulate the use of poultry litter. The Council believes that the Virginia Poultry Waste Management Act address litter transferred to end-users from permitted poultry operations through tracking and accounting versus permits. Subsection D of 62.1-68.1, as amended, is broad enough to give authority to the Board to create a permit for end-users of poultry litter. Instead, we believe that the regulation of poultry operations through a "general permit" and a tracking and accounting system transfers.</p>	<p>Ms. Katie Frazier</p>	<p>Virginia Agribusiness Council</p>	<p>Do not support</p>

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<p>The Council suggests the following alternative approaches for users of poultry litter:</p> <p>1) Utilize improvements made in the DEQ "Fact Sheet" based on stakeholder discussions in the summer of 2007. Many portions of the "Fact Sheet" that were needed.</p> <p>2) Utilize the existing Agricultural Stewardship Act to encourage enforcement actions due to over application or water quality impairment. The program has a history of successfully addressing and preventing agricultural operations.</p> <p>3) Clarify, under the existing regulations, the information that the end-user of poultry litter to the litter broker or poultry processor, address, and other contact information that may be needed to accurately track the application of poultry litter. Confidential information should be discussed and protected as changes are made.</p> <p>The Virginia Agribusiness Council would like to request that a member of the Technical Advisory Committee to develop the VPA Poultry Waste Management regulations. The Council represents growers and processors, as well as other producers of poultry litter as a soil amendment. In addition, the Council represents organizations, many of whom have an interest in the poultry industry.</p>			
<p>Purpose DEQ states that the purpose of the proposed action is to "establish requirements for end-users of poultry waste to ensure that poultry waste is being used in a manner in which state waters are being protected and nutrient losses are being reduced and that these reductions can be measured." Our comments on this section relate to the questionable scientific basis of the proposal. You state one of the purposes is to reduce and measure nutrient losses. The state should quantify nutrient losses from poultry litter before imposing reduction measures. The state has required nutrient reduction measures on permitted poultry farms for years. We do not dispute that best management practices (BMPs), such as those implemented on confined poultry feeding operations, reduce nutrient runoff. However, we are not aware of any efforts by the state to measure the reductions. In fact, the state did not have data to quantify nutrient loads from poultry litter prior to enactment of the Poultry Waste Management Act in 1999. That bill was passed based on emotional antidotal appeals rather than conclusive scientific data demonstrating nitrogen and phosphorus loads</p>	Mr. Hobey Bauhan	Virginia Poultry Federation	Do not support

Comment	Commenter	Affiliation	Category
<p>from poultry litter. It, therefore, seems strange that the agency now proposes not only to regulate more than 2000 annual litter transfers (more than doubling the number of regulated entities managing poultry litter) but also to measure the resulting reductions in nutrient loads, this when you don't even currently measure load reductions from the existing 900 permitted poultry operations. Legal Basis VPF was intimately involved in the writing of the Virginia Poultry Waste Management Act in 1998 and 1999. The Act defines confined poultry feeding operations and requires a permitting program for those particular entities: not others. The Act clearly intends to address litter transferred from permitted entities through "tracking and accounting:" not through a permit. If the General Assembly had intended permits for entities other than confined poultry feeding operations, the legislature would have so specified. In our view, Subsection D of the Act does not give the State Water Control Board (SWCB) open-ended authority to take any and all actions, such as creating an entirely new permitting program for entities not even defined in the Act. Subsection D, in our opinion, gives the SWCB discretion to shape the program within the basic structure outlined in the Act: a "general permit" for poultry operations and "tracking and accounting" for litter transfers. As such, VPF asks that DEQ address litter transfers through enhanced "tracking and accounting," rather than permitting of end-users. Need In this section of the NOIRA, DEQ states that the regulatory action is needed because "concerns have been expressed by the public, legislature and executive branch, that additional safeguards are necessary to ensure that poultry waste that leaves the site and control of the permitted confined poultry feeding operations for land application are managed, applied and stored in a manner that is protective of water quality." This is not a scientific basis for developing a regulation. The concern of these important entities and protection of water quality are obviously relevant, but they alone should not be the basis for a regulation. Rather, the NOIRA should have presented data obtained through conclusive scientific analysis demonstrating the need for the regulation. As stated above, we are not aware of such data. Substance and Alternatives In</p>			

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<p>discussions with state representatives over the past year, VPF has expressed concerns about the unlevel playing field for regulation of nutrients. To impose burdensome regulations on end-users of poultry litter without similar treatment of other nutrient sources will harm the litter market and create economic and environmental problems by stranding litter on permitted poultry farms. Based on feedback from litter brokers, poultry growers, and other farmers we have become convinced that permitting end-users will harm the market for litter: farmers will opt for unregulated nutrients. We, therefore, ask that DEQ consider an alternative. Rather than covering end-users under a "permit by rule" or "general permit" issued by DEQ, we propose the following: Continue with the current system of providing the DEQ "Fact Sheet" on proper litter management to those who obtain litter from growers. Strengthen the "Fact Sheet" to make it clear to end-users that they will be held accountable if they are found to cause a pollution problem by failing to abide by the provisions of the "Fact Sheet." Take enforcement as necessary through the existing Agricultural Stewardship Act. This program, although needing an additional inspector, has a successful track record of identifying and correcting pollution caused by farms. Collect more information to account better for litter transfers: collect the name, address, and other contact information of end-users, while providing for an appropriate level of privacy. This enhancement will provide for adequate tracking of poultry litter and enable DEQ and Virginia Department of Agriculture and Consumer Services (VDACS) to follow up on any problems. Public Participation VPF commends DEQ for its participatory approach to addressing potential environmental issues. If DEQ decides to move forward with changes to the current program, VPF requests the opportunity to be represented on any technical advisory committee formed. Family Impact In the NOIRA, DEQ states that "it is not anticipated that an amendment to this regulation will have any impacts on the family and family stability." The proposal inherently impacts families, since the entities considered for regulation are farms owned and operated by families. Depending upon the content, an amendment could severely impact families and family stability. General Comments</p>			

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<p>Virginia's poultry industry has been a proactive steward of Virginia's natural resources for many years. During the Tributary Strategy in the 1990's, VPF stepped forward with a voluntary initiative to develop NMPs for all poultry farms in the Shenandoah watershed by the year 2000 (a goal largely achieved when the General Assembly passed legislation to mandate such measures). After passage of the Poultry Waste Management Regulations, Virginia's poultry industry has supported educational programs for growers, research on nutrient management, a poultry litter hotline and innovative marketing activities, such as two end-user incentive programs to use litter and the placement of manure spreaders in areas lacking adequate spreading equipment. We have reduced phosphorus in poultry litter by close to 20 percent through use poultry feed management strategies, including the use of Phytase, and have now entered into a formal agreement with the Commonwealth to achieve greater success through feed nutrient management. We have recently launched a three-year, \$600,000 equal matching grant litter transport subsidy program. Each year, VPF recognizes poultry farmers for their excellent environmental stewardship through an awards program. The contribution of poultry litter to nutrient enrichment of waters has been overstated. The Harrisonburg Daily News-Record recently published a letter submitted by the Chesapeake Bay Foundation. The letter praised the progress made through voluntary initiatives in the Muddy Creek watershed to improve that stream to the point that it may be close to being removed from the impaired waters list. The major efforts that have improved the water quality have been riparian buffers and fencing cattle from streams. Poultry litter does not appear to have played a significant role in the impairment. Likewise, over the years, VDACS has reported on its cases of pollution addressed through the Agricultural Stewardship Act. Very few of those cases involved mismanagement of poultry litter transferred from permitted operations to unpermitted ones. The fact is, when a farmer procures litter, he or she has obtained a valuable resource and does everything possible to protect it and maximize its benefit. They take measures to prevent its loss through runoff. Finally, onerous regulations</p>			

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<p>will have an adverse economic and environmental effect on Virginia. The poultry industry provides farm income for more than 1,200 family farms in the Commonwealth, employees more than 10,000 people, and creates economic opportunities for numerous small businesses in rural communities. The industry plays a meaningful role in generating the farm income that helps preserve farmland and open spaces and stem the tide of development. As the Chesapeake Bay Foundation has stated, "an acre of well-managed agricultural land is better for the Bay than an acre of development." So, in order to stem the tide of development, we must stem the tide of regulatory creep that makes farming less and less viable. Conclusion The fact is that DEQ has published this NOIRA based on unsubstantiated notions that transferred poultry litter is creating a significant water quality problem. VPF asks that the state take measured steps to enhance the tracking and accounting of poultry litter, as provided for in the law, before saddling farmers with permitting requirements that may not be necessary and that could create significant economic hardships if poultry litter is stranded on poultry farms. To recap, we support strengthening the "Fact Sheet," increasing the information collected by DEQ about litter transfers, and giving the Agricultural Stewardship a chance as the enforcement mechanism for pollution caused by end-users.</p>			
<p>The poultry industry in Augusta County contributes \$3.7 million of net farm income to the local economy. The average annual net income for a poultry farmer in the County is approximately \$37,500. The typical poultry house in the County earns a net income of approximately \$15,000. The Augusta County Board of Supervisors recognizes the importance of the poultry industry to the agricultural economy of the County. In addition, the Board recognizes the importance of landowners to be good stewards of the land and encourages the use of Best Management Practices (BMP's) by local farmers. However, the Board opposes the further regulation of the poultry industry in Virginia. The proposal before the Department of Environmental Quality would regulate the end users of poultry litter. The proposals will hamper the ability of the agricultural industry to utilize the waste that is produced, and will cause undue</p>	Mr. Patrick Coffield	County of Augusta	Do not support

Comment	Commenter	Affiliation	Category
<p>hardship on farmers who have come to rely on the use of poultry litter as a source of fertilizer for multiple crops. The use of poultry litter is crucial to the economic viability of the local agricultural economy. The Augusta County Board of Supervisors opposes the regulation of the end users of poultry litter. The proposed regulation will have a substantial negative impact on the agricultural industry in Augusta County. Current regulations for tracking the sale and disbursement of poultry litter from the producer to the end user exist. These regulations set minimum standards for the management, storage, application, transfer, and reporting requirements for producers and anyone who possesses 10 tons of poultry waste in a 365- day period and transfers any of this waste to another person. Changing VPA Chapter 630 to include users of poultry waste who do not operate a poultry feeding operation will hamper the ability of growers to dispose of the litter and ultimately damage the agricultural economy of the County.</p>			
<p>I am protesting the enactment of this law. I am a 70-year-old widow and have lived on the same 31-acre farm since 1964. I take good care of the land and I am a good steward of it. I am passing it on to my adjoining neighbor, a young farmer of 34 years old, who will take equally good care of it. I put poultry litter on my land according to soil tests and I angrily protest this over-regulation which will result in landowners not using poultry litter or have even worse unintended consequences. I do not use that much poultry litter; 10 tons is too small an amount to require a permit. And now for such a small farm, I will have to have a nutrient management plan. Have you considered how many agents are available to write plans and what the workload will be? How soon do you think the extension agents will get to me with my small acreage? Will I have to wait in line for months to get one, until it is too late for the optimum time to apply litter? In the meantime, what is the farmer supposed to do with the litter produced by his birds that he is willing to sell me since he and I have a reciprocal agreement that I pasture heifers for him in the summer and he supplies me with litter? This is a grand example of over-regulation with little thought given to the unintended consequences.</p>	Ms. Kay Frye		Do not support
<p>He currently has a nutrient management plan</p>	Mr. Glenn Halterman		Do not

Comment	Commenter	Affiliation	Category
and is against any further regulations concerning litter management. The current regulations are sufficient.			support
This is to voice my opposition to the amendments being considered for the Virginia Pollution Abatement Permit Regulation for Poultry Waste Management 9VAC 25-630. It is my understanding that there have been no incidents as a result of the use of poultry waste and therefore the requirements being considered would only be an added layer of burdensome government regulation.	Mr. Tom Trykowski		Do not support
The proposed amendments to state regulations on the use of poultry litter as farm fertilizer are unnecessary and convoluted. You must and cannot place burdensome regulations on just one group, when there are many that contribute to this problem. I urge you to consider not only "ENVIRONMENTAL QUALITY", but "ENVIRONMENTAL EQUALITY" across the board. If DEQ moves forward with these proposed amendments for poultry litter only, and do not include commercial fertilizer for all homeowners (waterfront and residential), businesses, all gardens, and commercial lawn fertilization companies, it could be considered discriminatory and poor performance from all departments considering this action. May we all meet and work together to produce suitable solutions for our environment.	Mr. John Courter	Courtfield Farm	Do not support
I have a concern about suggested plan to permit the use of poultry waste on farms not of original production. We do not own or operate a poultry farm, however we do use poultry litter (waste) on our farm for fertilizer. We operate a 500 acre pasture dairy and are able to help several neighboring poultry operation utilize their excess waste. We maintain records on soil samples, litter samples, dairy waste samples, needs of crops, rates of application and apply only to fit crop needs. We have a Nutrient Management Plan and follow that plan. Records and kept by the operator of the original source and we also follow the suggested rules laid out to that operator. Our farm operation is able to provide a service to the original poultry farm by using their excess waste. We can also use that waste product to improve our crops without purchased commercial nitrogen. In the long run improving the environment and water supply for all. We are doing a excellent job of managing your operations under the present rules and regulations and am sorry to hear that we may be required to have a permit to use someone's litter that is already regulated.	Mr. James Wenger		Do not support

Comment	Commenter	Affiliation	Category
<p>The rules we are using now are working fine and do not need more permitting. We are not interested in going through the permitting process, therefore we will discontinue the use of poultry waste on our farm. The use of poultry waste is not necessary, but beneficial to all parties. If farms like ours discontinue that use the litter it is going to pile up on the original farms because they can not use it legally. This will cause real environmental problems. I ask that the DEQ be careful in their consideration of more permitted regulations.</p>			
<p>There is little evidence that end users of poultry litter are using it in a manner that is causing pollution. The Poultry Litter Act does not apply to end users and to do so will strand litter on farms that produce it. You are making me a policeman of litter and also the liability for the actions of the purchaser if I'm required to see soil samples and a Nutrient Management Plan. Once the litter leaves the farm of origin, it is fertilizer, nothing more, so if this is the case why not require all fertilizer to have a soil sample and nut. plan, this to include home owners.</p>	Mr. Samuel Coleman		Do not support
<p>View poultry litter as an under-utilized economic opportunity Poultry litter is an inevitable by-product of poultry production. If the goal is to reduce pollution in the Chesapeake, while not destroying the poultry industry in Virginia through over-regulation, a better course of action is to improve the utilization of the litter product as an fertilizer product in other agricultural production. As a hay producer, we are facing large increases in chemical fertilizer products and expect this trend to continue. Purdue AgriRecycle has a facility in Seaford, DE that produces a pasteurized, USDA certified organic pelletized litter product that we use successfully on our hay fields. Phosphate levels are being controlled through the use of phytase (<a href="http://en.wikipedia.org/wiki/phytase">http://en.wikipedia.org/wiki/phytase</a>) enzyme in the animal feed. Rather viewing poultry litter as a problem that must be solved through regulation, it would be a better use of Virginia state government resources to promote the value added processing of the valuable poultry litter to encourage wider geographic use in Virginia's agricultural community. Concentration of the litter in the production areas would be reduced. In our area of Northern Virginia, the unregulated runoff of</p>	Mr. Bruce Fedor	Laughing Brook Farm	Do not support

Comment	Commenter	Affiliation	Category
<p>residential lawn fertilizers into streams and watershed are doing far greater harm than agricultural applications. We have to pay for every pound of fertilizer we apply to our fields and make every effort to ensure that it is used productively.</p>			
<p>As a user of poultry litter for fertilize on my farms, I am writing to express my opposition to the new amendments that you are proposing to the poultry litter regulations. Requiring a Permit for every farmer that uses 10 tons or more of litter for fertilize is just preposterous. I guess next you will be requiring us to place baggies under our cows rear ends to collect the waste that comes out of them as they graze? We depend on poultry litter as a cost effective means to fertilize our farms and keep the grass growing..the grass that you water quality guys like to see on steep land that has lots of water runoff. Well guess what, without an economical means of fertility on such land, we will just let it go and let the red dirt prevail and see where it ends up...in your precious bay!!!!!! not to mention the fact that further regulations on the use of litter will just strand it on the farms where it is produced leaving there in huge piles waiting to go to somewhere that you regulators have said that it is OK to go. At least with the use of litter and manure, the topsoil and organic content of the soil is built with each application. How about showing us the proof that litter use is causing water pollution throughout the state? Farmers are your number one line of conservation..piss us all off and see what happens to your water!!!! we can clear-cut forests.....run livestock on highly erodible land not fertilize clear-cut areas and reclaim them...there are lots of things that we can do to HARM the environment...but we don't, because we love our land we have been farming for generations and generations..our roots run deep in our communities stay out of our business and let us feed people like we have been doing for hundreds and hundreds of years. To regulate the end user of poultry litter is an unfair practice. If you do this, you are going to have to regulate every nutrient that is land applied to any piece of ground. This would include commercial fertilizer also. Are you going to require cattle and horse producers to place a bag on their animals rectum to catch manure while the animal is grazing in the field?</p>	<p>Mr. Mike Campbell</p>		<p>Do not support</p>

Comment	Commenter	Affiliation	Category
<p>Enough cattle and horses on a pasture generate way more than 10 tons of manure per year. Do you have the desire that your end result is going to be that all of this poultry waste is going to remain on the farms where it is produced, in giant piles, because farmers do not want to cut through the red tape to have to get permits to apply it to their land? Wasn't the big problem a few years ago that you didn't have enough places for all of this poultry waste to go? the poultry farmers were overapplying it to their farms because they had no place for it to go? I have an idea...lets stockpile about 400 tons of it right next to the state legislature in the middle of the summer and see if they think that you need to require farmers to get a permit to spread it on their farms for fertilize.</p>			
<p>I have a farm in Nottoway County that had very poor land in the 35 open acres. I have been rebuilding this land slowly and have used poultry litter as an inexpensive source of fertilizer. Applying for a permit would be an irritant and just one more step or complication in an overly complicated farming world. I could use commercial fertilizer which I think would be more harmful and more expensive when the only crop that I am raising is hay. I live in Richmond and see the amount of chemical fertilizer that is applied to lawns, much of which runs off and wonder why there are no attempts to regulate this use. Please don't add this extra burden of regulation.</p>	Mr. Peter Powell		Do not support
<p>I don't believe HB1207 allows any Virginia State agency to regulate the end users of poultry litter. The law was written and I strongly feel applies only to the generators of poultry waste. If DEQ or any other agency wanted to write and implement new regulations to impact the end users of poultry litter then the regulations under current law would have to be written to have all responsibility fall on the generators of poultry waste, i.e. chicken and turkey farmers. The generators would have to have samples taken of the fields of end users, get a NMP, and keep records if those are things DEQ would like to require of end users. I personally feel that DEQ should go to the General Assembly and ask for regulatory authority to regulate all manure including human waste in the state that will be land applied. Permit every farmer who produces waste and require a NMP approved by DCR. Otherwise you are</p>	Mr. Tad Williams		Do not support

Comment	Commenter	Affiliation	Category
discriminating against one group of individuals without getting the desired results which is ultimately fewer nutrients in water bodies.			
We are against requiring permits for the use of utilizing poultry litter as fertilizer.	Mr. Paul Puckett	Windy Knoll Farm	Do not support
We are against requiring permits for the use of utilizing poultry litter as fertilizer.	Mr. Cecil Davis	DavBar Dairy	Do not support
Farmers have more than enough work to do each day without bureaucrats imposing more paperwork before productive work can begin. Why not develop application guidelines for specific areas and monitor their impact on the problem? Thanks for the kind response. After reading the NOIRA, not necessarily understanding it, and comparing it to the Augusta County Farm Bureau summary I find the summary somewhat inadequate. I still think regulation is overdone but in retrospect my comments are simplistic, which would be refreshing coming from regulators. Sorry to have bothered you.	Mr. Philip Case		Do not support
I am writing to express my opinion about proposals to place additional controls on purchased poultry litter and its application. I am now and I have been for some 25 years, a purchaser of poultry litter. This year I just received 959 tons. I am strongly opposed to further regulation of purchased poultry litter. The following are some of the reasons why. 1) Purchased litter does not need to be regulated any more than chemical fertilizer does. The cost of either fertilizer does and will continue to discourage over application. 2) We should not be discouraging, by adding red tape, purchasing litter. On the other hand, we should be encouraging moving litter to places where it is needed. There is a government program aimed at doing just that. And that program does require proof that Phosphorus is needed. 3) Only in the last 3 years have producers been able to consistently sell their excess litter. Previously, they had to use it themselves or give it away. Often this led to over application at home while farmers in adjacent counties could not find litter. If you place additional barriers in producers' path, producers may once again have difficulty getting rid of their litter. 4) I am a believer in smaller government not BIGGER GOVERNMENT. To add and to police additional controls will require more people and more dollars. In conclusion, there is no need to add more controls on purchased litter.	Mr. Mike Schooley		Do not support

Comment	Commenter	Affiliation	Category
<p>I've been raising poultry for 29 years for Tyson Foods. I encourage all poultry farmers to have a nutrient management plan and regular monitoring application of poultry litter on my farm's fields. We are currently inspected by DEQ on an annual basis and we implement numerous procedures to be in compliance with all applicable laws and regulations.</p> <p>I cannot understand why Virginia needs any additional regulations in this industry. There is little to no evidence that anyone is utilizing it in a manner that causes pollution. No complaints nor enforcement actions of DEQ demonstrate a problem. Are you punishing an entire industry for the actions of a few?</p> <p>These new regulations could very possibly cause the poultry farms creating real pollution problems and concerns. Are you trying to run the poultry industry out of business? It is a vital part of this State's agricultural economy and provide jobs for the poultry farmers. I urge you to check the statistics as it relates to our economy.</p> <p>We are not "policemen"! How can you expect us to monitor litter on someone else's property if we have to go there and collect the litter?</p> <p>I feel that our current system is adequate to monitor and regulate poultry litter for fertilizer purposes. I also am opposed to these regulations.</p>	Mr. George Ashman	Corunna Farm	Do not support
<p>Current regulatory processes and records through VDACS and DEQ show little documented need for these far reaching regulations. The Virginia Ag Stewardship Act is sufficient to address those few instances of "bad actors" improperly using poultry litter. Over regulating poultry litter will lead to it not being used and therefore the poultry producer will have difficulty getting rid of it. This will create significant problems for the poultry industry if they cannot dispose of poultry litter through an environmentally sound method. Because poultry litter in this form is fertilizer these proposed regulations set a dangerous precedent for all forms of fertilizer and a farmer's ability to utilize fertilizer on the farm. Considering the cost of poultry litter and all forms of fertilizer it is cost prohibitive for a farmer to over fertilize land. With all of the current regulations and guidelines that a farmer must comply with, there is sufficient protection from potential pollution without these proposed regulations.</p>	Mr. R. Cecil Langford	Charlotte County Farm Bureau	Do not support
<p>I run a small family farm raising beef cattle. I have used small quantities of poultry litter on hayfields in the past, but not in the past 7 or 8 years. Most of the poultry producers are far</p>	Mr. Brian Scruby	Stony Run Farm	Do not support

Comment	Commenter	Affiliation	Category
<p>enough away from me that the costs of litter and trucking make this less economical, even though I have fields that are low in nutrients and would benefit from the litter. If you place all these additional restrictions on the use of poultry litter, it will make it even less affordable for me. My fields are lacking in nutrients and I can't afford commercial fertilizer any more. Poultry litter has been an alternative I could consider, but your proposed regulations would make it even harder for me to justify using the litter. I think these additional regulations being proposed are a very poor idea. It will discourage the use of litter over a wider geographic area, rather than create a complicated bureaucratic process for using litter, why not focus your efforts on educating the users of litter on how it can be used in an environmentally appropriate way. If you adopt these complicated regulations, I doubt that I would ever consider the already expensive proposition of trucking in and spreading litter. I hope you will focus your efforts on education instead of creating laws that will make it even harder for farmers to economically produce feed for a still growing population. Yes, I do think it is very important to reduce nutrients going into the Chesapeake Bay from all sources, including agriculture. But these proposed changes will just make it harder to get the litter to fields low in nutrients which would benefit from the litter without causing further problems for the Bay. Also, many farmers are in economic distress and the government should not be putting regulations in place that would drive up production costs further. Remember, we are suffering from the effects of enormous increases in feed costs due to diversion of corn to produce ethanol for fuel.</p>			
<p>I am a member of the VA Poultry Federation, but more importantly a livestock and hay farmer, and applicator of more than 12,000 tons of litter annually. We apply litter in "the Valley" as well as for customers East of the Blue Ridge and throughout Southside VA. My experience with the litter business spans 15+ years. Please be advised that farmers are using litter as a valuable resource and it is being applied wisely. The cost of transportation and the economic environment are great factors, as well as farmers are good stewards of the Earth which therefore require absolutely no further regulation of litter. I fear</p>	<p>Mr. Reid Mackey</p>	<p>Litter &amp; Lime LLC</p>	<p>Do not support</p>

Comment	Commenter	Affiliation	Category
<p>that if end users of litter are regulated as are permitted growers then the problem will be much greater, as many will stop using the valuable resource!! This will cause problems for growers and DEQ and the environment!! There are many areas in "the Valley" where the application of litter will benefit the environment by strengthening the cover thereby causing less erosion!! The same is true East of the mountain and surely throughout Southside VA. I respectfully ask DEQ to give consideration to my comments and others before burdening farmers and stewards of the land with unnecessary regulations.</p>			
<p>Continue to place regulations on our farmers activities and very soon we will be buying our food from China along with everything else. I am 75 years of age and have watched our country slowly disintegrate. You must preserve agriculture in the Commonwealth of Virginia.</p>	Mr. Russell Duffey		Do not support
<p>As a consumer of poultry litter (I do not have poultry myself.) I do not object to the requirement that I obtain a nutrient management plan for my farm. In fact, I have taken soil samples and started the process to get one. I will be upset if the process takes a long time, cost me anything, or creates problems for me as a farm operator. I have found litter to be extremely scarce and expensive, therefore I have not used nearly as much as I should to maintain my soil fertility. I believe that these added regulations will cause a huge glut of poultry litter and I will be able to purchase what I need at very nice price. As President of the Augusta County Farm Bureau, I must ask that the State not amend the current regulations to require permits by end-users because our membership is strongly in opposition to this proposal.</p>	Mr. Charles Curry	Augusta County Farm Bureau Board	Do not support
<p>I am sending this in regard to the upcoming amendment of regulations concerning the use of poultry litter by farmers for fertilizer. I as a farmer in the state of Virginia am extremely concerned about regulations that are being amended and or imposed that will affect the welfare of agriculture in this state. This is certainly one of those that causes great concern. By having to utilize manufactured chemicals for fertilizer, the cost of production greatly increases, thus leaving less of a profit margin for the farmer. In todays market, our profit margin has declined year after year. Not</p>	Mr. Mark Chase		Do not support

Comment	Commenter	Affiliation	Category
<p>only has the profit margin continued to decline, but with more and more red tape, it causes hardship and delay in getting fields prepped and ready for planting and or production. With more and more family farms going out of business, we need to wake up and realize that our farmers are some of the most concerned citizens that we have as far as our environment is concerned, and will go over and beyond to ensure that we are protecting our natural resources. But it seems that those in government have overlooked this aspect. It is easy to regulate and or change regulations, when you feel that is does not directly affect you. How many of those that are wanting to impose these new regulations are farmers? Where are those that are on the band wagon suggesting that the poultry litter be discarded, if not used to put nutrients back into the soil? In looking over the agenda, it seems as if we only have three options to consider. I do not feel that there is but one of these that is applicable here, and that would be the requirement of soil samples to indicate the need for the nutrients derived from poultry litter, prior to application on the field. All the others would require too much money and time to be feasible. I appreciate the opportunity to voice my concerns in this matter. Please do not force more farmers out of business, due to these regulations.</p>			
<p>As a commercial farmer I am deeply disturbed by the proposed regulation referenced above, which appears to fly in the face of logic and reason. The extent of pollution in public waters directly caused by application of poultry litter is not definitely calculated, but rather a supposition based on emotional worst-case predictions. In fact, it is clearly to farmers' advantage to minimize run-off of soil nutrients acquired at a price, as any such loss represents a diminution of profits. Few if any fields are fertilized beyond the needs of the crop. Such restrictive requirements as mandated soil sampling, permitting, and submission of management plans set an unnecessary and undesirable precedent threatening application of all types of fertilizer. The result would be a management nightmare for both farmers and enforcement personnel, whereas safeguards already in place under the Agricultural Stewardship Program at the Virginia Department of Agriculture and Consumer Services are quite sufficient to</p>	<p>Mr. A. Colquitt Shackleford, Jr.</p>	<p>Dovedale</p>	<p>Do not support</p>

Comment	Commenter	Affiliation	Category
<p>deter and control any abusers. The more concrete problem, as I see it, is the excess of poultry litter at the sites of its source. Why not encourage, rather than constrain, the distribution of litter to other areas with already existing provisions for recording names and addresses of recipients? The distribution and use of poultry litter in this way accomplishes a much-needed reduction of dependence on imported chemical fertilizers. I urge common-sense restraint and request that this proposed regulation be discarded.</p>			
<p>The Rockingham County Farm Bureau Board of Directors wish to go on record as opposing any amendments to current waste management regulations that would inhibit the sale, transfer or movement of poultry litter as a fertilizer between Virginia poultry producers and producers of agricultural products who use poultry litter as a fertilizer. We believe the proposed regulations are unnecessary and beyond legislative intent of the law. We believe enforcement of the current laws and regulations are sufficient to address those that do not follow the current regulations. We believe any further regulations or requirements would only serve to de-value and strand poultry litter on producers farms making it more difficult to dispose of the litter in an environmentally safe manner. We support the positions currently proposed by the Virginia Farm Bureau Association.</p>	Lareth May	Rockingham County Farm Bureau	Do not support
<p>I am a turkey producer for Cargill Turkeys, Dayton, VA. I sell 90-95 % of the litter produced on my farm thru a litter broker, who transports the litter to end users throughout the state. I am inspected yearly, I provide paperwork accounting for my litter, and the broker that I use also provides paperwork to the state showing where the litter goes. I am opposed to any further regulations that would serve to inhibit my ability to sell, transfer and move my litter to other producers who use litter as fertilizer. My experience after House Bill 1207 passed, was to see the value of my litter drop to \$0.00. The value of litter has increased during the past 2-3 years, and the market for litter is good. I fear any additional regulations will hurt the current market. I feel the current laws and regulations are sufficient to address the actions of those who do not follow the current regulations. I support the positions of the Virginia Farm Bureau Association. We support the positions</p>	Lareth May	May Poultry Farm	Do not support

Comment	Commenter	Affiliation	Category
currently proposed by the Virginia Farm Bureau Association.			
I oppose any amendments to current waste management regulations on poultry litter. I use poultry litter on my farm. I am an environmentally friendly person. I ask that you [DEQ] please support position proposed by VA Farm Bureau Asso. [Association].	Ms. Juanita Burton		Do not support
I am writing to express my concern about requiring all users of poultry liter to have a nutrient management plan. This regulation may backfire and actually cause litter to be applied in more concentrated areas. Many of the people that use our litter only get a few loads per year. These people are not going to go through the hassle of getting a nutrient management plan, so the litter is going to go to the larger farms making it more concentrated. I am also unsure why there is so much pressure on poultry farmers when there is no regulation on synthetic fertilizer. Homeowners can apply fertilizer at any rate at any time, unregulated. Any further regulation of the poultry producer is going to be detrimental to our ability to move the litter. If we lose farms to spread on, the litter problem will only become worse.	Mr. Michael Easter	Easter Design	Do not support



Miss. Dana Hedrick	Mr. Zachary Rinker	Mr. James Cleney	Mr. David Thompson	Mr. Andrew Thompson	Mr. Chris Knight
Mr. Patrick Tate	Mr. Justin Dove	Mr. Russell Fuller	Mr. Joshua Shifflett	Mr. Bobby Mattox	Mr. Robert Parenteau
Mr. Derek Walker	Mr. Clay Brubaker	Mr. Cory King	Mr. Dakota Dunn	Mr. Jordan Spitzer	Mr. Sean Layman
Mr. Patrick Rice	Mr. Brandon Baker	Mr. Brent Comer	Mr. Brandon Richie	Mr. John Woods	Miss. Kelly Estep
Mr. Tyler Kline	Mr. Travis Hilliard	Miss. Ashley Kaplinger	Miss. Jennifer See	Mr. Jarnal Joney	Mr. Thomas Ritchie
Mr. Matt Custer	Mr. Dakota Corder	Mr. Paul Lantz	Miss. Brooke Showalter	Miss. Carmen Paniagua	Mr. Zachary Wilkins
Mr. Ben Hartman	Mr. Roger Strawderman	Miss. Veronica Sager	Mr. Nicholas Guyer	Mr. Dylon Mitchell	Mr. Christopher Byrd
Mr. Matthew Siever	Mr. Jacob Seekford	Mr. Josh Barkley	Mr. Tyler Showalter	Miss. Brittany Stonebreaker	Miss. Brandy Carter
Mr. Bradley Deavers	Miss. Brittaney Nelson	Mr. Daniel Puckett	Miss. Shaundra Fulk	Mr. Timmy Landes	Mr. Austin Shifflett
Mr. James Phillips	Mr. Timmy Nesselrodt	Mr. Bradley Turner	Miss. Kristen Ulmer	Miss. Amanda See	Miss. Samantha DePay
Miss. Ashley Ulmer	Mr. Adam Beahm	Mr. Dakota See	Mr. Tanner Kesner	Miss. Barbara Nelson	

## Family impact

*Assess the impact of this regulatory action on the institution of the family and family stability, including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

It is not anticipated the proposed amendments to this regulation will have any impacts on the family and family stability.

## Detail of changes

*Please detail all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact if implemented in each section. Please detail the difference between the requirements of the new provisions and the current practice or if applicable, the requirements of other existing regulations in place.*

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all provisions of the new regulation or changes to existing regulations between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

<b>Regulation Section</b>	<b>Action</b>	<b>Change</b>	<b>Rationale</b>
9VAC25-630-10. (Definitions)	Amended definitions	Agricultural storm water	Added the end-user and broker operations
		Permittee	Added the end-user and broker
		Poultry grower	Added grower
		Poultry waste broker	Amended for clarity who is a broker Moved threshold of transferred poultry waste that triggers requirements to 9VAC25-630-60
	Added definitions	Fact sheet	Added to clarify the purpose of the document
		Organic source	Added to clarify the options for selecting the application rate in 9VAC25-630-80
		Poultry waste end-user	Added to ensure clarity of the regulated entity
		Poultry waste hauler	Added to ensure clarity of the regulated entity
		Standard rate	Added to clarify the new term that is referenced in new section 9VAC25-630-80

<b>Regulation Section</b>	<b>Action</b>	<b>Change</b>	<b>Rationale</b>
9VAC25-630-20. (Purpose, delegation of authority)	Amended subsection A	Added management of poultry waste utilized or stored by poultry waste end-users or brokers	Added language to clarify
9VAC25-630-30. (Authorization to manage pollutants)	Amended subsection A	Added internal catch line <u>Poultry Grower</u>	Added to clarify which subsection applies to a particular entity
		Amended subdivision 3. changed § 3.1-726 to § 3.2-6002	Changed due to Virginia Administration Code-recodification
		Amended subdivision 6. removed the Department of Conservation and Recreation and added additional training requirements - one time every five years	Added additional training requirements for the poultry grower
	Amended subsection B (moved language to new subsection C)	Added new language concerning the requirement of the end-user and broker to comply with the technical regulation or obtain coverage under the general permit. Added the end-user and broker to the authorization to manage pollutants governed by the general permit and added requirements similar to the growers (from subsection A.)	Added language to clarify who is authorized to manage pollutants
	Added subsection C (contents are old subsection B)	Amended the responsibility to comply to include the end-user and broker	Amended language to clarify responsibility
9VAC25-630-40. (Registration statement)	Amended subsection A	Added internal catch line <u>Poultry Grower</u>	Added to clarify which subsection applies to a particular entity
	Amended subdivision 9 (split subdivision into 2 subdivisions)	Added language to registration statement that addresses the requirements of 9VAC25-630-30 A 4 (the nutrient management plan must be developed by a certified nutrient management plan writer	Amended to clarify the requirements of the permit applicant with regards to the attachments

<b>Regulation Section</b>	<b>Action</b>	<b>Change</b>	<b>Rationale</b>	
9VAC25-630-40. (Registration statement)	Amended subdivision 10 (moved language to new subdivision 11)	Added language to registration statement that addresses the requirements of 9VAC25-630-30 A 4 (the nutrient management plan must be developed by a certified nutrient management plan writer)	Added to clarify the requirements of the permit applicant with regards to the attachments	
	Added subdivision 11 (contents old subdivision 10)	Renumbered subsection 10 to 11, because of separating language from subsection 9 into subsection 10	Added new subsection due to clarifying language in previous subsections	
	Added subsection B	Added language for a registration statement for the end-user and broker	Added to allow for a separate registration statement	
9VAC25-630-50 (Contents of the general permit)	Amended language in opening paragraph	Added the poultry waste end-user or poultry waste broker	Added to allow for coverage under the general permit if required	
	Amended permit title	Removed “at confined poultry feeding operations”	Amended to broaden permit for the poultry waste end-user and poultry waste broker operations	
	Amended language in the paragraphs above Part I	Added language to cover the poultry waste end-user and broker	Added to conform with the amendments in 9VAC25-630-30	
	Amended Part I title	Amended Part I title to cover pollutant management and monitoring requirements for confined poultry feeding operations	Clarify the parts of the permit with which a particular entity must comply	
	Amended subsection B, subdivision 4		Amended language concerning the conditions that must be met when transferring poultry waste off-site.	Clarify the language.
			Changed grower transfer tonnage threshold to five (5) tons	Lowered threshold to facilitate more effective poultry waste transfer data retrieval and analysis
			Deleted the detailed language about the fact sheet	Deleted since Fact sheet definition was added in 9VAC25-630-10

Regulation Section	Action	Change	Rationale
9VAC25-630-50 (Contents of the general permit)		Itemized the records required when transferring the poultry waste by: What the grower must provide (to the particular entity) and record	Rearranged the recordkeeping items to clarify the grower's requirements
		Deleted the end-user and broker recordkeeping requirements	Recordkeeping requirements were placed in amended section 9VAC25-630-60 and in new section 9VAC25-630-70
	Amended subsection B, subdivision 4c:	Added " <u>if known</u> " to the recordkeeping item (2)	There was concern that if the grower or end-user did not know this information that the grower would be penalized. It is recognized that the grower can only document what the end-user provides thus the language change
		Added (3) to the recordkeeping items	This information will facilitate more effective poultry waste transfer data analysis
	Added subsection B, subdivision 4d.	Added annual poultry waste transfer reporting requirements for growers	Annual reporting will facilitate more effective poultry waste transfer data retrieval and analysis
	Amended subsection B, subdivision 12	Amended language from a narrative format to an itemized list	Amended for Clarity of the requirements
	Amended subsection B, subdivision 13	Added a frequency (one time every five years) to the training requirement for the grower	Additional training will assist in compliance with the permit including poultry waste transfers and land application recordkeeping; and poultry waste transfer reporting
	Amended subsection B, subdivision 5.	Changed § 3.1-726 to § 3.2-6002	Changed due to Virginia Administration Code-recodification

Regulation Section	Action	Change	Rationale
9VAC25-630-50 (Contents of the general permit)	<b>NEW</b> Added Part III	Added Part III - permit requirements for poultry waste end-users and poultry waste brokers (similar to Part I - for the grower) Requirements include: soils and waste monitoring, nutrient management plan, storage conditions, poultry waste recordkeeping and reporting, land application recordkeeping, and land application buffer zone conditions	Added permit Part III to detail permit requirements specific to poultry waste end-users and poultry waste brokers
9VAC25-630-60 (Tracking and accounting requirements for poultry waste brokers)	Amended subsection A	Amended to add requirements that the poultry waste broker register with the DEQ prior to transferring poultry waste	Added to assist the DEQ in maintaining records regarding poultry waste transfers as the department is mandated
	Amended subsection B and C	Reformatted the recordkeeping requirements into an itemized list, broke it down by who and what	Rearranged the recordkeeping items to clarify the broker's requirements.
		Changed grower transfer tonnage threshold to five (5) tons	Lowered threshold to facilitate more effective poultry waste transfer data retrieval and analysis
	Amended subsection D	Amended to update the subsections pertinent to the reporting and added on a form approved by the department	Amended to clarify the reporting requirements Added the approved form to assist the broker for annual reporting and DEQ in obtaining consistent data
	Added subsections	Added subsection E: Addresses requirements for waste sampling of waste from two or more sources that are commingled	Addition stipulates requirements for the waste sampling to ensure a more accurate nutrient analysis of poultry waste
		Added subsection F: Addresses requirements of the broker if he land applies waste for the end-user	Addition ensures the end-user is provided with the information they are required to maintain according to new section 9VAC25-630-70

Regulation Section	Action	Change	Rationale
9VAC25-630-60 (Tracking and accounting requirements for poultry waste brokers)	Added subsections	Added subsection G: Addresses training requirements of the broker	Additional training will assist in compliance with the requirements of this technical regulation 9VAC25-630-60: including poultry waste transfers and poultry waste transfer reporting
		Added subsection H: Addresses DEQ authority to inspect	Clarifies DEQ authority to inspect
<b>NEW</b> 9VAC25-630-70 (Tracking and accounting requirements for poultry waste end-users)	Added new section	Added new section: Recordkeeping requirements	Added recordkeeping items here to clarify the end-user's requirements and responsibilities
<b>NEW</b> 9VAC25-630-80. (Utilization and storage requirements for transferred poultry waste)	Added new section	Added new section: Addresses requirements regarding the land application and storage of transferred poultry waste for both the end-user and broker; including storage requirements, land application rate methods, buffer requirements, and land application timing.	Added utilization and storage requirements here to clarify the end-user's and broker's requirements and responsibilities
FORMS (9VAC25-630)	Amended section to list the amended and new forms	Amended: Registration Statement, VPA General Permit for Poultry Waste Management <u>for Poultry Growers</u> , RS <u>VPG2 (rev. 12/09)</u> to allow for a separate grower form.  Fixed the typographical error in the form name.  Added: Registration Statement, VPA General Permit for Poultry Waste Management for Poultry Waste End-Users and Brokers, RS VPG2 (rev. 12/09)	Amended form to clarify the entity who will use the form  Fixed the typographical error for clarity  Added a new separate form for end-user and broker to avoid complicating the grower registration statement